

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the annexed Findings of Fact and Conclusions of Law for Juan Colon (Exhibit 1) is adopted;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED Juan Colon will have judgment against the BOE as follows:

1. Backpay in the amount of \$17,751;
2. Tax-component award in the amount of \$2,086;
3. LAST Fees in the amount of \$160;
4. ASAF account award in the amount of \$67;
5. CAR Day award in the amount of \$461;
6. Pre-judgment interest calculated to be \$4,175; and
7. Pension-related relief pursuant to the terms of the Court's Order dated December 17, 2018 (Pension Stipulation & Order, [ECF No. 1014]).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Juan Colon will be entitled to the following non-monetary relief:

1. The BOE is ordered to amend its internal service, salary, payroll, and human resources systems as follows:
 - a. Incorporate the "Pension Inputs" detailed in Paragraph 4 of Exhibit 1;
 - b. Incorporate Juan Colon's counterfactual monthly service history, as listed on Exhibit A to the Stipulation Regarding Juan Colon; and
 - c. Grant Juan Colon retroactive seniority based on his counterfactual monthly service history, as described in Paragraph 4 of Exhibit 1.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court adopts the Special Master's recommendation that this judgment be certified as final and appealable pursuant to Federal Rule of Civil Procedure 54(b) and expressly determines that there is no just reason for delay for the reasons stated in the Special Master's Report and Recommendation.

This Judgment Entry is certified and entered by the Court pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

Dated: 1/13/21

ENTERED

/s/ Kimba M. Wood

Exhibit 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ELSA GULINO, MAYLING RALPH, PETER WILDS,
and NIA GREENE, on behalf of themselves and all others
similarly situated, :

Plaintiffs, :

- against - :

THE BOARD OF EDUCATION OF THE CITY
SCHOOL DISTRICT OF THE CITY OF NEW YORK, :

Defendant. :

----- X

96 Civ. 8414 (KMW)

FINDINGS OF FACT
AND CONCLUSIONS
OF LAW FOR
JUAN COLON

1. Pursuant to the Fourth Stipulation Regarding Expedited Class Members entered into by the parties on November 18, 2020, and the parties' Fourth Stipulation Regarding Expedited Hearing Process, dated September 9, 2020, the Special Master recommends the following;
2. Juan Colon is a member of the Plaintiff class in this action, and is entitled to monetary and injunctive relief from Defendant, the Board of Education of the City School District of the City of New York ("BOE"), as compensation for the injuries he suffered as a result of what the Court found to be the BOE's discrimination.¹
3. The Special Master rules, and the parties do not contest the Special Master's ruling, that based on the evidence presented, and the Special Master's prior rulings in this action, which have been affirmed by the Court, Juan Colon has satisfied his burden of establishing his entitlement to the following monetary relief:
 - a. Backpay in the amount of \$17,751;
 - b. A tax-component award in the amount of \$2,086;
 - c. \$160 to compensate him for the fees he paid to take the Liberal Arts and Sciences Test;
 - d. Annuity Savings Accumulation Fund damages in the amount of \$67;
 - e. Cumulative Absence Reserve day damages in the amount of \$461; and
 - f. Pre-judgment interest in the amount of \$4,175.

¹ See *Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, 1:96-cv-08414, [ECF No. 321]; *Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, 1:96-cv-08414, [ECF No. 386].

4. Based on the Special Master's and the Court's prior rulings in this action, Juan Colon has satisfied his burden of establishing his entitlement to the following non-monetary relief:
 - a. The BOE's internal service, salary, payroll, and human resources systems should be amended to incorporate Juan Colon's counterfactual monthly BOE service history, as listed in the column entitled BOE Employment Title on Exhibit A;
 - b. Juan Colon should receive retroactive seniority, based on the counterfactual monthly BOE service listed in the column entitled BOE Employment Title on Exhibit A, with respect to salary-step advancement, longevity bonuses, accrual of years of service for pension, post-retirement health care benefits, accrual of CAR days, sabbatical leave rights, restoration of health leave rights, and hardship transfers;
 - c. Pursuant to the procedures set forth in the Pension Stipulation & Order, [ECF No. 1014], the following information regarding Juan Colon (the "Pension Inputs") should be imported into the Teachers' Retirement System of the City of New York:
 - i. Date of Birth — [REDACTED], 1952
 - ii. Gender — Male
 - iii. Address — [REDACTED]
New York, NY, 10019
 - iv. Counterfactual date of appointment as a regularly appointed teacher — November 1, 2004
 - v. BOE Employment Title — As listed in column entitled Title on Exhibit A
 - vi. Annual contractual salary — As listed in column entitled Counterfactual Annual Salary on Exhibit A
 - vii. Monthly contractual salary — As listed in column entitled Counterfactual Monthly Earnings on Exhibit A
 - viii. Dates of breaks in service (if any) — N/A
 - ix. Termination of regularly appointed teacher service (if any) — July 6, 2008
 - x. Retirement date (if any) — N/A

DATED: December 21, 2020